

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PATRICK L. WYATT,

Plaintiff,

VS.

FIVE STAR TECHNOLOGY SOLUTIONS, LLC,

Defendant.

No. 1:20-cv-03198-JMS-MG

ORDER ADOPTING REPORT AND RECOMMENDATION

Defendant Five Star Technology Solutions, LLC ("Five Star") has filed a Motion for Order to Show Cause, in which it asks the Court to require Plaintiff Patrick Wyatt to show cause why the Court should not enter an order giving Five Star "relief from [Mr. Wyatt's] ongoing and relentless harassment on [Five Star] while this litigation is pending." [[Filing No. 18 at 1.](#)] Specifically, Five Star requests that the Court order Mr. Wyatt to show cause why the Court should not enter an Order:

- (1) Prohibiting [Mr. Wyatt] from contacting any of Five Star's customers, business partners, employees, and their family members, through any forms of social media, mail, electronic mail, or telephone;
- (2) Prohibiting [Mr. Wyatt] from referring to this matter or to Five Star on any form of social media, including, but not limited to, Twitter, Facebook, Instagram, Snapchat, or LinkedIn;
- (3) Requiring [Mr. Wyatt] to delete all prior social media activity regarding this pending litigation on all forms of social media controlled by [Mr. Wyatt];
- (3) (sic) Award attorneys' fees to [Five Star] for having to bring this motion; and
- (4) (sic) For any additional relief this Court deems just.

[[Filing No. 18 at 7.](#)] Mr. Wyatt filed a response, in which he addresses Five Star's requests that the Court prohibit Mr. Wyatt from certain conduct and issue sanctions, [[Filing No. 31](#)], and Five Star filed a reply in further support of its motion, [[Filing No. 33](#)].

Magistrate Judge Tim Baker submitted a Report and Recommendation, recommending that Mr. Wyatt be admonished for his conduct, be ordered to pay Five Star's costs and fees in connection with its Motion for Order to Show Cause, and be ordered to cease any further harassment of Five Star and its employees. [[Filing No. 42 at 7.](#)] The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections to the Report and Recommendation, but none have been filed to date.

The Court incorporates the Magistrate Judge's recitation of the events leading up to this point, including the summary of repeated, harassing communications from Mr. Wyatt to Five Star employees through telephone calls, emails, and social media posts. The Court, having considered the Magistrate Judge's Report and Recommendation, hereby **ADOPTS** the Magistrate Judge's Report and Recommendation, [42]. Five Star's Motion for Order to Show Cause, [18], is **GRANTED**¹ to the extent that:

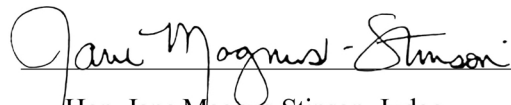
- The Court admonishes Mr. Wyatt for the conduct set forth in the Magistrate Judge's Report and Recommendation;
- Mr. Wyatt is **ORDERED** to pay Five Star's attorneys' fees and costs incurred in connection with filing and briefing the Motion for Order to Show Cause. Absent agreement by the parties as to the amount of those attorneys' fees and costs, Five Star shall submit a Report setting forth those attorneys' fees and costs

¹ The Court notes that Five Star sought an Order to Show Cause why the Court should not enter an Order addressing Mr. Wyatt's conduct. The Magistrate Judge recommends entering an Order addressing that conduct – as opposed to recommending an Order to Show Cause why the Court should not enter an Order addressing that conduct. Because Mr. Wyatt addressed the substance of Five Star's arguments related to his conduct, and since he has not timely objected to the Magistrate Judge's Report and Recommendation, the Court finds it appropriate to grant Five Star the ultimate relief it seeks through its motion, rather than simply ordering Mr. Wyatt to show cause why it should not do so.

by **April 30, 2021**, and Mr. Wyatt must file any response to the Report (addressing only the amount of attorneys' fees and costs) by **May 7, 2021**. No reply is necessary;

- Mr. Wyatt is **ORDERED** to cease any further harassment of Five Star and its employees, including via telephone, email, and social media. The Court strongly cautions Mr. Wyatt that any future harassing conduct will result in further sanctions, including possible dismissal of this action with prejudice.

Date: 4/9/2021

A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive, flowing style. The first name "Jane" is written with a large, open "J". The last name "Stinson" is written with a large, open "S". The signature is written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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